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10 Attorneys for Plaintiff
11 United States of America

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13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 ELAN MOSHE,
19 Defendant.

CASE NO. 2:21-CR-00212-TLN
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
DATE: March 17, 2022
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

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21
22 STIPULATION

23 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
24 through defendant's counsel of record, hereby stipulate as follows:

25 1. By this stipulation, defendant now moves to continue the status conference until March
26 31, 2022, at 9:30 a.m., and to exclude time between March 17, 2022, and March 31, 2022, under Local
Code T4.

27 2. The parties agree and stipulate, and request that the Court find the following:

28 a) The government has represented that the discovery associated with this case
includes reports and photographs. All of this discovery has been either produced directly to
counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to research sentencing guidelines
issues, discuss trial strategy and resolution options with his client, conduct independent factual

1 investigation, and otherwise prepare for trial.

2 c) Counsel for the defendant and counsel for the government have been in
3 discussions regarding the LSD quantity and purity for purposes of sentencing exposure. Those
4 discussions are ongoing.

5 d) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of March 17, 2022 to March 31,
14 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendant in a speedy trial.

18 **[CONTINUED ON NEXT PAGE]**

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 15, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ CAMERON L. DESMOND
CAMERON L. DESMOND
Assistant United States Attorney

Dated: March 15, 2022

/s/ Phil Cozens

Phil Cozens
Counsel for Defendant
ELAN MOSHE

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 16th day of March, 2022.


Troy L. Nunley
United States District Judge